

## Minutes of Annual Town Meeting

Town Clerk Jennifer Kovacs called the meeting to order at the Lamoine Town Hall at 9:55 AM.

1. To choose a moderator to preside over said meeting. **Joan Broussard nominated Harvey Kelley. Stuart Marckoon 2<sup>nd</sup>. A written ballot elected Mr. Kelley 3-0. Mr. Kelley swore his oath of office to Town Clerk Kovacs, and then appointed Stuart Marckoon as Deputy Moderator, who also took the oath of office from Ms. Kovacs. At 10:00AM, Mr. Kelley opened the polls for balloting.**
2. To elect the following Town Officers by secret ballot:
  - a. Selectman & Overseer of the Poor (1 position, term to end town meeting 2014)
  - b. Assessor (1 position, term to begin July 1, 2011 and end June 30, 2014)

	Total Votes
<b>Selectman/Overseer</b>	
Donaldson, Cynthia	85
Others	2
<b>Assessor</b>	
Towne, Terry	76
Others	7
<b>Votes Cast</b>	93
<b># Registered Voters</b>	1,466
<b>Turnout %</b>	6.34%

### Open Town Meeting Wednesday, March 16, 2011 6:00 PM

Prior to the resumption of the annual open town meeting, Town Clerk Jennifer Kovacs administered the oath of office to Cynthia Donaldson, Selectman & Overseer of the Poor.

Ballot Clerk Kathleen DeFusco checked in 81 voters at the open town meeting.

Moderator Harvey Kelley called the open town meeting to order at approximately 6:00 PM.

Mr. Kelley established that he would operate according to the Maine Moderator's Manual.

Mr. Kelley announced the results of the election the previous day.

It was moved and 2<sup>nd</sup> to allow non-voters/non-residents to speak at the moderator's discretion. The motion passed by a greater than 2/3rds majority on a hand vote.

Prior to the start of business:

The Lamoine Board of Selectmen presented the Citizen of the Year award to Michael Garrett.

The Lamoine Conservation Commission presented an award to James Norris for his land conservation efforts.

3. To see if the town will vote to set the date that property taxes will be due in two equal payments on August 31, 2011 and February 28, 2012, and to fix the rate of interest at 7.00% to be charged on the unpaid amounts beginning September 1, 2011 and March 1, 2012 respectively, and to fix the rate of

interest paid for overpayments at 3.00% per annum. **It was moved and 2<sup>nd</sup> to approve article as written. James Crotteau commented that 2012 is a leap year and there are 29 days in February should the date change. Stuart Marckoon explained that the warrant says February 28, 2012. Mr. Kelley said a motion can be made to change the dates if anyone was concerned. The motion passed on a hand vote.**

4. To see if the Town will vote to authorize the Selectmen to sell and/or dispose of any property acquired by tax liens after first offering the property to the previous owners for payment of all back taxes, fees and interest, and if they decline, advertising for sealed bids on same, and stating the lowest bid acceptable, and to allow the Selectmen to authorize the Treasurer to waive automatic lien foreclosures when it is in the best interest of the Town. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
5. To see if the Town will vote to authorize the Selectmen to sell and/or dispose of any property or fixtures deemed to be surplus and unusable to the Town and worth less than \$1,000 fair market value, under such terms and conditions as they deem advisable after advertising such items publicly. **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
6. To see if the Town will vote to appropriate all funds from the money received from the State of Maine for registration of snowmobiles to the Frenchman Bay Riders Snowmobile Club for the purpose of maintaining their snowmobile trails, to be open for the use of the public at all times, and to authorize the municipal officers to enter into an agreement with the Club, under such terms and conditions as the municipal officers may deem advisable, for that purpose. **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**
7. To see if the Town will vote to authorize the tax collector or treasurer to accept pre-payments of 2011/2012 taxes not yet committed pursuant to 36 M.R.S.A. § 506. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
8. To see if the Town will vote to authorize expenditures to pay tax abatements and applicable interest granted by the Board of Assessors or the Board of Selectmen during the fiscal year beginning July 1, 2011 in an aggregate amount not to exceed the property tax commitment overlay. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
9. Shall the Town vote to authorize the Board of Selectmen, on behalf of the Town, to join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement for the provision of employee health benefits, as authorized by 24-A M.R.S.A § 6601 et seq., said Arrangement to be known as the "Maine Municipal Employees Health Trust" (Health Trust); and for that purpose and in consideration of the mutual covenants and agreements among participating employers, to authorize the Board of Selectmen to enter into a Participation Agreement on behalf of the Town and take whatever actions may be necessary. The authority granted herein shall continue until revoked. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
10. To see if the town will adopt a series of amendments to the Building and Land Use Ordinance entitled "Building and Land Use Ordinance Amendments – March, 2011". **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**
11. To see if the town will amend the Site Plan Review Ordinance, Section J, General Review Standard # 19 Advertising Features to change the sign square footage from 6 square feet to 16 square feet, thus conforming to the Building and Land Use Ordinance. **It was moved and 2<sup>nd</sup> to approve article as written. The motion passed on a hand vote.**

12. To see if the town will adopt language to remove the fees from sections of the ordinances listed below and approve amended language authorizing the Board of Selectmen to set fees as outlined in a document entitled "Fee Amendments – March 2011". The following ordinances would be changed:

- a. Building & Land Use Ordinance (Section 7 D 1)
- b. Building & Land Use Ordinance (Section 12 D 5)
- c. Building & Land Use Ordinance (Section 15 D 1)
- d. Building & Land Use Ordinance (Section 15 E 2)
- e. Building & Land Use Ordinance (Section 16)
- f. Travel Trailer, Motorized Home Park & Campground Ordinance (Section 6 A)
- g. Gravel Ordinance (Section 7 B)
- h. Mobile Home Park Ordinance (Section II 2)
- i. Shoreland Zoning Ordinance (Section 16 G)
- j. Site Plan Review Ordinance (Section H 2 b and section P)

**It was moved and 2<sup>nd</sup> to approve article as written. Gordon Donaldson explained that the Planning Board was behind in updating the ordinance. Jay Fowler said that the town should set the fees not the Selectmen. Gerald Jordan commented that he is against Selectmen setting the fees and the town not having the choice. Kathryn Gaianguest asked if the town can amend the article. Mr. Kelley explained you cannot change the language of the ordinance. The motion passed on a counted hand vote 35 yes 30 no.**

13. To see what sum the Town will vote to raise and appropriate for its share of costs for enforcement and administration of the Frenchman's Bay Regional Shellfish Conservation Ordinance. (*The Selectmen and Budget Committee recommends \$3,000.00*) **It was moved and 2<sup>nd</sup> to approve article as written. Selectman Fennelly explained that all towns involved in the ordinance raises \$3,000.00. He explained that Ellsworth provides the labor and most of the services. The motion passed on a hand vote.**

14. To see what sum the Town will vote to raise and appropriate for Administration and to set the salaries of the following elected officers whose salaries will be paid from the Administration Account of the General Fund, and to authorize the Board of Selectmen to establish the rate of compensation for appointed officials.

<b>Position</b>	<b>Recommended Salary (Budget Committee &amp; Selectmen)</b>
Selectman (Chair)	\$1,600.00
Selectman (non-chair, 4 positions)	\$1,000.00
Assessor (Chair)	\$1,600.00
Assessor 2	\$1,500.00
Assessor 3	\$1,250.00

*(The Budget Committee & Selectmen recommend \$166,307.80 and the salaries as outlined above.)*  
**It was moved and 2<sup>nd</sup> to pass as recommended. Carol Korty asked why the non chair Assessors make more than the Selectman non chairs. Selectmen Donaldson explained that those amounts are more than fair the Assessors put in more office hours. Chris Tadema-Wielandt asked if elected officers' salaries are included in the \$166,307.80. Stuart Marckoon said those amount are included. The motion passed on a hand vote.**

15. To see if the Town will appropriate from funds received from the Allen and Leurene Hodgkins Memorial Trust an amount not to exceed \$3,600 for construction of a privy at Bloomfield Park, said project to begin during the fiscal year ending June 30, 2011. *(The Selectmen and Parks Commission recommend a yes vote).* **It was moved and 2<sup>nd</sup> to pass as recommended. There was a brief discussion on completion dates and maintenance of privy. The motion passed on a hand vote.**
  
16. To see what sum the Town will vote to raise and appropriate for capital projects. *(The Selectmen and Budget Committee recommend a total of \$23,700, including \$7,700.00 for debt service payment on the 2009 fire truck, \$1,000 to be added to the land conservation fund, \$5,000.00 for repair of the entrance cover at the Lamoine Town Hall, and \$10,000.00 to be added to the Revaluation Reserve Fund.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**
  
17. To see what sum the Town will vote to raise and appropriate for Code Enforcement, and to authorize expenditure of the state share of local plumbing fees to the Maine Department of Human Services. *(The Selectmen and Budget Committee recommend \$20,005.00.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**
  
18. To see what sum the Town will vote to raise and appropriate for the Planning and Appeals Boards. *(The Planning Board, Selectmen and Budget Committee recommend \$800.00.)* **It was moved and 2<sup>nd</sup> to pass as recommended. The motion passed on a hand vote.**
  
19. To see what sum the Town of Lamoine will vote to raise and appropriate for the support of social service organizations listed below, which made written requests for funding from the Selectmen, and met the criteria of the Town Meeting Donation Requests Ordinance adopted November 7, 2000.

Requesting Agency	Requested	Recommended
American Red Cross – Pine Tree Chapter	\$500.00	\$500.00
Child & Family Opportunities	\$600.00	\$600.00
Down East AIDS Network	\$600.00	\$600.00
Downeast Horizons	\$600.00	\$600.00
Eastern Area Agency on Aging	\$250.00	\$250.00
Emmaus Homeless Shelter	\$400.00	\$400.00
Faith In Action – Community Connection	\$600.00	\$600.00
Eastern Maine Home Care	\$579.00	\$579.00
Hospice Volunteers of Hancock County	\$600.00	\$600.00
Lamoine Historical Society	\$600.00	\$600.00
Loaves & Fishes Food Pantry	\$600.00	\$600.00
Maine Coast Memorial Hospital	\$600.00	\$600.00
Washington/Hancock Community Agency	\$600.00	\$600.00
Women’s Infants & Children (Downeast Health)	\$600.00	\$600.00
Yesterday’s Children	\$300.00	\$300.00
<b>Total</b>	<b>\$8,629.00</b>	<b>\$8,629.00</b>

*(The Budget Committee & Selectmen recommend \$8,629.00 as outlined above. The donation requests ordinance requires the Board of Selectmen to recommend no more than 5% of one mill, which is \$12,700.46)*

**It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**

20. To see what sum the Town will vote to raise and appropriate for Parks & Recreation. *(The Parks Commission, Selectmen and Budget Committee recommend \$7,574.00).* **It was moved and 2<sup>nd</sup> to pass article with the recommended amount. The motion passed on a hand vote.**
21. To see what sum the Town will vote to raise and appropriate for library services. *(The Selectmen and Budget Committee recommend \$7,735.00. The Ellsworth Public Library has requested funding of \$7,990.00).* **It was moved and 2<sup>nd</sup> to raise and appropriate \$7,990.00. After a brief debate about the appropriate funding level. The motion passed on a hand vote.**
22. To see what sum the Town will vote to raise and appropriate for Public Safety Expenditures. *(The Budget Committee, Selectmen and Fire Department recommend \$58,880.00)* **It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**
23. To see what sum the Town will vote to raise and appropriate for Road Maintenance. *(The Budget Committee and Selectmen recommend \$131,615.00.)* **It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**
24. To see what sum the Town will vote to raise and appropriate for major road projects including repavement of portions of Mill Road and Shore Road. *(The Budget Committee and Selectmen recommend \$145,540.00).* **It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**
25. To see what sum the Town will vote to raise and appropriate for operation of the Local Government Cable TV Channel(s). *(The Selectmen and Budget Committee, and Cable TV Committee recommend \$5,000.00 – operational funds to come from the Cable TV Fund, and any unexpended funds to be closed into the Cable TV fund)* **It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**
26. To see what sum the Town will vote to raise and appropriate for waste disposal including operation of the Lamoine Transfer Station, shipment to the Penobscot Energy Recovery Company, recycling contractor, monitoring of wells around the former landfill, and to authorize the Selectmen to continue the contract of disposal of septic sludge. *(The Selectmen and Budget Committee recommend \$97,788.00)* **It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**
27. “To see what sum the Town will raise and appropriate for payment to Mount Desert Island High School (MDIHS) pursuant to 20-A MRSA § 5805(4) as a debt service factor to augment tuition payments to MDIHS for secondary students residing in Lamoine and choosing to attend MDIHS. *(The Budget Committee recommends \$25,000.00)* **It was moved and 2<sup>nd</sup> to approve as recommended. There was a brief discussion on how many students attend MDIHS and school choice for the town. The motion passed on a hand vote.**
28. To see which revenues the Town will vote to appropriate for inclusion in the non-education portion of the budget to offset local property taxes.

Revenue Fund	Amount	Fund Total
<i>General Fund</i>		
Interest on Real Estate Taxes	\$5,000.00	
Automobile Excise Taxes	\$275,000.00	
Watercraft Excise Taxes	\$3,600.00	
Administration Fees	\$1,000.00	
Tax Lien Charges	\$2,400.00	
Agent Fees	\$5,500.00	
General Assistance Reimbursement	\$1,500.00	

Interest on Investments	\$15,000.00	
Rental Income – Cell Phone Tower	\$12,000.00	
Undesignated Fund Balance (Surplus)	\$50,000.00	
		<b>\$371,000.00</b>
<i>Road Fund</i>		
URIP Program (State Funding)	\$20,400.00	
Use of Road Fund	\$30,000.00	<b>\$50,400.00</b>
<i>Code Enforcement Fund</i>		
Local Plumbing Fees	\$1,900.00	
Code Enforcement Fees	\$6,000.00	
	\$0.00	<b>\$7,900.00</b>
<i>Code Enforcement Fund Transfer</i>		
<i>Other Funds</i>		
Local Animal Control Fees		<b>\$1,400.00</b>
Cable TV Franchise Fees		<b>\$5,000.00</b>
Capital Projects Fund		<b>\$12,000.00</b>
<b>Total Offsets to Local Property Tax</b>		<b>\$447,700.00</b>

\*Municipal Revenue Sharing will also reduce the tax commitment and is not included in the above figure. (The Selectmen and Budget Committee recommend the revenue figures listed above.)  
**It was moved and 2<sup>nd</sup> to approve as recommended. The motion passed on a hand vote.**

29. To see if the Town will vote to establish and/or continue the following funds:

<b>Fund Balance Account</b>	<b>Balance as of 6/30/10*</b>
Code Enforcement Fund	<b>\$7,186.71</b>
Fire Truck Reserve Fund	<b>\$9,450.86</b>
Road Assistance Fund	<b>\$52,576.85</b>
Education Capital Fund	<b>\$9,218.83</b>
Animal Control Fund	<b>\$3,656.30</b>
Revaluation Reserve Fund	<b>\$63,175.03</b>
Insurance Deductible Fund	<b>\$5,155.32</b>
Harbor Fund	<b>\$11,874.88</b>
Cable TV Channel Fund	<b>\$19,174.71</b>
Parks & Recreation Fund	<b>\$6,604.63</b>
Capital Improvements Fund	<b>\$74,453.87</b>
Land Conservation Fund	<b>\$4,160.88</b>
Veterans Memorial Fund	<b>\$5,619.41</b>
Conservation Commission Fund	<b>\$373.93</b>
Flag Display Maintenance Fund	<b>\$127.54</b>

\*Note that most funds are part of continuing operations, so the balance of 6/30/10 does not reflect any appropriations, expenditures or revenues for the current fiscal year.  
(The Selectmen and Budget Committee recommend continuing or establishing the above funds)  
**It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**

30. To see if the Town will authorize expenditure of funds from the Harbor Fund for improvements at the Harbor area as suggested to and approved by the Board of Selectmen, and to authorize the Selectmen to set the compensation of the Harbor Master and Deputy Harbor Master to be paid

from the Harbor Fund. *(The Selectmen and Budget Committee recommend approval as written).* **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed on a hand vote.**

31. To see if the town will vote to increase the maximum property tax levy limit established by State law, in the event that the municipal budget approved at this town meeting results in a tax commitment in excess of the maximum property tax levy otherwise allowable, such that the increased maximum property tax levy hereby established will equal the amount committed. (By state law, the vote on this article must be by written ballot). *(The Selectmen and Budget Committee Recommend approval.)* **It was moved and 2<sup>nd</sup> to approve the article as written. The motion passed 55 yes 4 no.**

**There being no further business to transact, Moderator Kelley declared the town meeting adjourned at 7:55PM.**

**Respectfully submitted,**

**Jennifer Kovacs, Town Clerk  
March 22, 2011**